

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

HOWARD DAVID REINERT,

Plaintiff,

v.

No. CIV-14-0381 LAM

**CAROLYN W. COLVIN, Acting Commissioner
of the Social Security Administration,**

Defendant.

**ORDER GRANTING STIPULATED MOTION FOR ATTORNEY FEES
UNDER THE EQUAL ACCESS TO JUSTICE ACT**


THIS MATTER is before the Court on Plaintiff's *Stipulated Motion for Award of Attorney Fees & Costs Under the Equal Access to Justice Act (EAJA)* (Doc. 29) in the amounts of \$2,594.40 for attorney fees and \$419.44 in costs, filed on October 5, 2015. Having considered the motion, the record in this case, and relevant law, the Court **FINDS** that Plaintiff's motion is well-taken and shall be **GRANTED**.

IT IS THEREFORE ORDERED that Plaintiff's *Stipulated Motion for Award of Attorney Fees & Costs Under the Equal Access to Justice Act (EAJA)* (Doc. 29) is **GRANTED**, and Plaintiff is authorized to receive **\$2594.40** in attorney fees and **\$419.44** in costs for payment to Plaintiff's attorney for services before this Court, as permitted by the Equal Access to Justice Act, 28 U.S.C. § 2412, and in accordance with *Manning v. Astrue*, 510 F.3d 1246, 1255 (10th Cir. 2007).

IT IS FURTHER ORDERED that, if Plaintiff's counsel is ultimately granted attorney fees pursuant to 42 U.S.C. § 406(b) of the Social Security Act, Plaintiff's attorney shall refund the

smaller award to Plaintiff pursuant to *Astrue v. Ratliff*, 560 U.S. 586, 596 n.4 (2010) (explaining that, if a claimant's counsel is ultimately granted attorney fees under § 406(b) out of the claimant's benefit award, the claimant's attorney must refund to the claimant the amount of the smaller fee).

IT IS SO ORDERED.


LOURDES A. MARTÍNEZ
UNITED STATES MAGISTRATE JUDGE
Presiding by Consent